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## Union and its territories



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# Union and Its Territories



Articles 1 to 4 contained in Part I of the Constitution of India, 1950 deals with the Union and its territory and provides a mechanism for making changes in the constitution of states or union territories of the Union of India.

## Article 1

Article 1 of the Constitution defines India, that is, Bharat as a 'Union of States'. The reasons behind this made clear by Dr. B.R. Ambedkar in the Constituent Assembly. Dr. Ambedkar said the **Indian Federation was a "Union" because it was inseparable, and no State had the right to secede or withdraw from the Indian Union.**

This provision deals with two things:

- Firstly, name of the country; and secondly, type of polity. There was no unanimity in the Constituent Assembly with regard to the name of the country. Hence, the Constituent Assembly had to adopt a mix of both ('India, that is, Bharat')
- Secondly, the country is described as 'Union' although its Constitution is federal in structure.
- According to Dr. B.R. Ambedkar, the phrase 'Union of States' has been preferred over 'Federation of States' for two reasons: **one, the Indian Federation is not the result of an agreement among the states; and second, the states have no right to secede from the federation.** Although for the convenience of administration, the country and people can be divided into different States, the country is an integral whole.

According to Article 1, the territory of India can be classified into three categories:

1. Territories of the states
  2. Union territories
  3. Territories that may be acquired by the Government of India at any time.
- The provisions of the Constitution pertaining to the states are applicable to all the states in the same manner. However, the special provisions (under Part XXI) applicable to the States of **Maharashtra, Gujarat, Nagaland, Assam, Manipur, Andhra Pradesh, Telangana, Sikkim, Mizoram, Arunachal Pradesh, Goa and Karnataka.**
  - Further, the Fifth and Sixth Schedules contain separate provisions related to the administration of scheduled areas and tribal areas within the states.
  - Being a sovereign state, India can acquire territories.

## Article 2

Parliament may by law admit into the Union or establish, new States on such terms and conditions, as it thinks fit.

Article 2 grants provide two powers to the Parliament:

1. The power to admit into the Union of India new states;
2. The power to establish new states.

Notably, Article 2 relates to the admission or establishment of new states that are not part of the Union of India.

### Article 3: Formation of new States and alteration of areas, boundaries or names of existing State

Article 3 authorizes the Parliament to:

- a) form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state;
- b) increase the area of any state;
- c) diminish the area of any state;
- d) alter the boundaries of any state; and
- e) alter the name of any state.

However, Article 3 lays down two conditions:

- Firstly, a bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President;
  - And Secondly, before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.
- The President (or Parliament) is not bound by the views of the state legislature and may either accept or reject them, even if the views are received in time. Further, it is not necessary to make a fresh reference to the state legislature every time an amendment to the bill is moved and accepted in Parliament.
- In case of a union territory, no reference need be made to the concerned
- Legislature to ascertain its views and the Parliament can itself take any action as it deems fit.

**Parliament follows the following procedures.**

Step 1: Either House of Parliament, on the recommendation of the President, may introduce a bill giving effect to any or all of the amendments in article 3.

Step 2: If such a bill affects the boundary or the name of a State, the President shall refer the bill to the State Legislature concerned before putting it before the Parliament for its opinion.

Step 3: If the State Legislature fails to express an opinion within that time limit, it shall be deemed to have expressed its opinion. The Parliament is not bound to accept or act on the views of the State Legislature, even if the State has submitted its views within a period of time.

Article 4 declares that laws made for admission or establishment of new states and formation of new states and alteration of areas, boundaries or names of existing states are not to be considered as amendments of the Constitution under Article 368. This means that such laws can be passed by a simple majority and by the ordinary legislative process.

## Evolution of Indian States and Union Territories

- At time of Independence India was divided into 565 princely states
- Princely states believed in self-independence, which posed the greatest challenge to the development of a strong India.
- India had three types of states at the time:
  - Territories of British India
  - Princely states
  - Colonial territories of France and Portugal.
- Except for Hyderabad, Junagadh, Bhopal, and Kashmir, 562 princely states agreed to join the Indian Confederation after India's independence.
- By the 26th of January 1950, India had formally transitioned from a dominion to a republic of states. It had largely merged the smaller states into larger regional territories.
- This union of states was divided into three parts based on whether they were former provinces (part A), princely states (part B), or territories that would be directly ruled by the Union government (part C), the precursor to UTs.
- Following the establishment of an Andhra state in 1953 for Telugu-speaking regions of Madras state, the **State Reorganization Commission**

(SRC) was formed to evaluate the republic's restructuring largely along linguistic lines.

- **14 States and 6 centrally Administered Territories were created under the State Reorganization Act, 1956.**
- The states included Andhra Pradesh, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Mysore, Tamil Nadu, Orissa-Punjab, Rajasthan, Uttar Pradesh and West Bengal.
- Since Indian independence the boundaries of the Indian states have kept on changing year by year.

### Dhar commission and JVP Committee

- The integration of princely states with the rest of India has purely temporary arrangement. There has been a demand from different regions for reorganisation of states on linguistic basis.
- To deliberate on it in June 1948 Government of India appointed the Linguistic Provinces Commission under the
- chairmanship of S.K. Dhar to examine viability of it. The commission rejected the linguistic factor for the reorganization of state.
- This created much anger and this led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 to re-examine the question for reorganisation of state on linguistic basis . Commission consisted of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya, popularly known as JVP Committee. This commission also rejected language as the basis for reorganisation of states.
- However, in October, 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state.

### Fazl Ali Commission

- The creation of Andhra state intensified the demand from other regions for creation of states on linguistic basis. This forced the Government of India to appoint (in December, 1953) a threemember States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the whole question.
- This commission broadly accepted language as the basis of reorganisation of states. But, it rejected the theory of 'one language-one state'.

## The States Reorganization Act, 1956

It came into force in November 1956. This Act and the Seventh Constitutional Amendment Act of 1956 abolished the distinction between Part A and the Part B States and the Part C States. Instead, they were classified into two categories: states and territories of the Union. This Act provided for 14 States and 6 Union Territories to be established as follows:

### States:

Assam, Andhra Pradesh, Bihar, Bombay, J&K (by the instrument of accession), Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh, and West Bengal.

### Union Territories:

Andaman & Nicobar Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy & Amindivi Islands, Manipur, and Tripura.

## The New States and Union Territories created after 1956

- The Bombay Reorganization Act, 1960, divided the State of Bombay into two States, Gujarat and Maharashtra.
- The Nagaland State Act of 1962 established Nagaland as a separate State.
- The Punjab Reorganization Act, 1966, split Punjab into Punjab and Haryana.
- The new State of Himachal Pradesh, consisting of the existing Union Territory of Himachal Pradesh, was established by the State of Himachal Pradesh Act, 1970.
- The New States of Manipur, Tripura, Meghalaya and Union Territories of Mizoram and Arunachal Pradesh have been established by the North Pastern Areas (Reorganization) Act, 1971. Later Mizoram and Arunachal Pradesh were granted statehood by the State of Mizoram Act, 1986 and the State of Arunachal Pradesh Act, 1986.
- The new State of Sikkim was established by the Constitution Act (36th amendment) of 1975.
- Goa was incorporated as a separate State of the Union by the State of Goa Act, 1987.
- Chattisgarh was formed as a result of the Madhya Pradesh Reorganization Act, 2000, which came into force on 1 November 2000.

- Uttranchal came into existence on 8 November 2000 under the Uttar Pradesh Reorganization Act, comprising the northern districts of Kumaon and the Garhwal hills of Uttar Pradesh.
- The State of Jharkhand was established by the Bihar Reorganization Act 2000 of 15 November, consisting of 18 southern districts of Chhota Nagpur and Santhal Pargana of Biha.
- The State of Telangana was established by the Andhra Pradesh Reorganization Act 2014 and came into force on 2 June 2014.
- On 31 October 2019, the act reconstituted the former state of Jammu and Kashmir into two union territories, Jammu and Kashmir and Ladakh.

States	Creation/Acquire
<b>Andhra Pradesh</b>	State of Andhra Pradesh Act of 1953 created the state by carving out some areas from the State of Madras.
<b>Gujarat and Maharashtra</b>	The State of Bombay was divided into two States i.e., Maharashtra and Gujarat by Bombay (Reorganization) Act, 1960. · Gujarat became the 15th state of the Indian Union.
<b>Kerala</b>	Created by State Reorganization Act, 1956. It comprised Travancor and Cochin areas.
<b>Karnataka</b>	Created from princely State of Mysore by State Reorganization Act, 1956. · It has been renamed Karnataka in 1973.
<b>Dadra and Nagar Haveli</b>	This territory was ruled by the Portuguese until it was liberated in 1954. · Following that, the administration was carried on by an administrator chosen by the people themselves until 1961. · The 10th Constitutional Amendment Act of 1961 made it a union territory of India.
<b>Puducherry</b>	Puducherry's territory includes the former French settlements in India known as Puducherry, Karaikal, Mahe, and Yanam. · In 1954, the French handed over this territory to India. · It was then administered as an "acquired territory" until 1962, when the 14th Constitutional Amendment Act made it a union territory.
<b>Nagaland</b>	The State of Nagaland Act of 1962 separated it from the State of Assam.
<b>Haryana</b>	In 1966, the State of Punjab was bifurcated to create Haryana, the 17th state of the Indian Union and the union territory of Chandigarh.
<b>Himachal Pradesh</b>	The Union Territories of Himachal Pradesh was elevated to the status of State by State of Himachal Pradesh Act, 1970.
<b>Meghalaya</b>	State within the State of Assam by 23rd Constitutional Amendment Act, 1969. · Later, in 1971, it received the status of a full-fledged State by North-Eastern Areas (Reorganization)



	Act, 1971.
<b>Manipur and Tripura</b>	Both these States were elevated from the status of Union Territories by North-Eastern Areas (Reorganization) Act, 1971.
<b>Sikkim</b>	Sikkim was given first the status of 'Associate State' through enactment of 35th Constitutional Amendment Act (1974). · It got the status of full State in 1975 by 36th Amendment Act, 1975.
<b>Mizoram</b>	It was elevated to the status of a full state by state of Mizoram Act, 1986. · It was done after signing of a memorandum of settlement (Mizoram Peace Accord) in 1986 between the Central government and the Mizo National Front.
<b>Arunachal Pradesh</b>	It received the status of a full state by State of Arunachal Pradesh Act, 1986. · Prior to this, Arunachal Pradesh was a Union Territory since 1972.



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**Question Based on the Topic**

1 : The Preamble to the Constitution of India is:

- a) A part of the Constitution but has no legal effect
- b) Not a part of the Constitution and has no legal effect either
- c) Part of the Constitution and has the same legal effect as any other part
- d) A part of the Constitution but has no legal effect independently of other part.**

2: The mind of the makers of the Constitution of India is reflected in which of the following?

- (a) The Preamble**
- (b) The Fundamental Rights
- (c) The Directive Principles of State Policy
- (d) The Fundamental Duties

**3: Which of the following statements is true?**

- (a) In the Berubari case the Supreme Court had said that the preamble of the Constitution is not a part of the Constitution
- (b) In the Keshavanand Bharti case, the Supreme Court had said that the preamble of the Constitution is part of the Constitution
- (c) "Preamble" of the Indian Constitution has been taken from the Constitution of Canada.
- (d) None of these**

3: Consider the following statements:

1. The Parliament is empowered to alter the boundaries of any existing State of India.
2. A Bill pertaining to the alteration of the boundaries of any existing State of India can be introduced only in the Rajya Sabha and only on the recommendation of the President of India .

Which one of the statements given above is / are correct?

- (a) Only 1**
- (b) Both 1 and 2
- (c) Only 2
- (d) Neither 1 nor 2



4: Consider the following with respect to the Union of India:

1. Formation of the State of Nagaland.
2. States Reorganisation Act.
3. Formation of the State of Haryana.
4. Formation of the State of Gujarat.

Which one of the following is the correct chronological order of the above?

- (a) 4-2-3-1
- (b) 2-4-3-1
- (c) 4-2-1-3
- (d) 2-4-1-3**

6: The boundary of a State in India can be altered through the procedure laid down in:

- (a) Article 368
- (b) Article 70
- (c) Article 130
- (d) Article 3**

7: In 1953, Prime Minister Jawaharlal Nehru announced the formation of a Commission to study the reorganization of states on a linguistic basis under the chairmanship of:

- (a) T. Krishnamachari
- (b) Fazal Ali**
- (c) Vallabhbhai Patel
- (d) GB Pant

8: The Parliament of India passed the States Reorganisation Act in 1956 to create

- (a) 36 States and 3 Union Territories
- (b) 15 States and 5 Union Territories
- (c) 14 States and 6 Union Territories**
- (d) 24 States and 9 Union Territories

9: The States of the Indian Union can be reorganised or their boundaries altered by:

- (a) The Union Parliament by a simple majority in the ordinary process of legislation**

- (b) Two - thirds majority of both the Houses of Parliament.
- (c) Two - thirds majority of both the Houses of Parliament and the consent of the legislature of the concerned States.
- (d) An executive order of the Union Government with the consent of the concerned State Governments.

10: The Constitution of India divided the states of India in categories A , B , C and D in the year 1950 , In this context which of the following statements is correct ?

- (a) The Chief Commissioner was the executive head of category A states. The Rajpramukh was the executive head of category B states. The Governor was the executive head of categories C and D states
- (b) The Rajpramukh was the executive head of category A states. The Chief Commissioner was the executive head of categories B and C states. The Governor was the executive head of the group D states.
- (c) The Governor was the executive head of category A states. The Rajpramukh was the executive head of category B states. The Chief Commissioner was the executive head of categories C and D states.**
- (d) The Governor was the executive head of category A states. The Chief Commissioner was the executive head of category B states. The Rajpramukh was the executive head of categories C and D states.

11: Who among the following was the head of the Linguistic Provinces Commission appointed in the year 1948, to enquire into the desirability of linguistic provinces?

- (a) Jawaharlal Nehru
- (b) Justice S.K. Dhar**
- (c) Justice Fazl Ali
- (d) Pattabhi Sitaramayya

12: What is the correct chronological order in which the following States of the Indian Union created or granted full statehood?

1. Andhra Pradesh
2. Nagaland
3. Maharashtra
4. Haryana

Select the correct answer using the codes given below.

- a) 1,3,4,2
- b) 3,1,2,4
- c) 1,3,2,4**
- d) 3,1,4,2

13: Who, among the following was not a member appointed by Pandit Jawaharlal Nehru?

- (a) Justice Faal Al
- (b) KM . Panikkar
- (c) Potti Sriramulu**
- (d) Hridayanath Kunzru

11. Consider the following statements with reference to the linguistic reorganisation of states in independent India.

1. The separate state of Andhra for the Telugu people came into existence in 1953.
2. Jawaharlal Nehru was particularly in favour of the movement for linguistic reorganization of states that came in the wake of the success of the Andhra movement.

Which one of the statements given above is /are correct?

- (a) Only 1**
- (b) Both 1 and 2
- (c) Only 2
- (d) Neither 1 nor 2



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